

**REORGANIZED CALIFORNIA RULES OF COURT  
APPROVED BY THE JUDICIAL COUNCIL, EFFECTIVE 1/01/07**

**TITLE 9**

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**Title 9. Rules on Law Practice, Attorneys, and Judges**

**Division 1. General Provisions**

**Rule 9.1. Title**

The rules in this title may be referred to as the Rules on Law Practice, Attorneys, and Judges.

**Rule 9.2. Source**

The rules in this title were adopted by the Supreme Court under its inherent authority over the admission and discipline of attorneys and under subdivisions (d) and (f) of section 18 of article VI of the Constitution of the State of California.

**Division 2. Attorney Admission and Disciplinary Proceedings and Review of State Bar Proceedings**

**Chapter 1. General Provisions**

**Rule 9.5.950. Definitions**

As used in this division (~~commencing with rule 950~~), unless the context otherwise requires:

(1) “Member” means a member of the State Bar of California.

~~(2) “section” refers to a section of the Business and Professions Code.~~

~~(3)~~ (2) “State Bar Court” means the Hearing Department or the Review Department established ~~pursuant to~~ under Business and Professions Code sections 6079.1 and 6086.65.

~~(4)~~ (3) “Review Department” means the Review Department of the State Bar Court established ~~pursuant to~~ under Business and Professions Code section 6086.65.

~~(5)~~ (4) “General Counsel” means the general counsel of the State Bar of California.

~~(6)~~ (5) “Chief Trial Counsel” means the chief trial counsel of the State Bar of California appointed ~~pursuant to~~ under Business and Professions Code section 6079.5.

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**Rule ~~9.6.950.5~~ 9.5. Roll of attorneys ~~of persons~~ admitted to practice**

The State Bar ~~shall~~ must maintain, as part of the official membership records of the State Bar, the Roll of Attorneys of all persons admitted to practice in this state. Such records ~~shall~~ must include the information specified in ~~sections 6002.1 and 6004 of the~~ Business and Professions Code sections 6002.1 and 6064 and other information as directed by the Supreme Court.

**Chapter 2. Attorney Disciplinary Proceedings**

**Rule ~~9.10.951~~ 9.1. Authority of the State Bar Court**

**(a) Conviction proceedings**

The State Bar Court ~~shall~~ exercises statutory powers ~~pursuant to~~ under Business and Professions Code sections 6101 and 6102 with respect to the discipline of attorneys convicted of crimes. (See Bus. & Prof. Code section 6087.) For purposes of this rule, a judgment of conviction is deemed final when the availability of appeal has been exhausted and the time for filing a petition for certiorari in the United States Supreme Court on direct review of the judgment of conviction has elapsed and no petition has been filed, or if filed the petition has been denied or the judgment of conviction has been affirmed. The State Bar Court ~~shall~~ must impose or recommend discipline in conviction matters as in other disciplinary proceedings. The power conferred upon the State Bar Court by this rule includes, ~~but is not limited to,~~ the power to place attorneys on interim suspension under subdivisions (a) and (b) of section 6102, and the power to vacate, delay the effective date of, and temporarily stay the effect of such orders.

**(b) Professional responsibility examination**

The State Bar Court ~~shall have the power to~~ may:

- (1) Extend the time within which a member of the State Bar must take and pass a professional responsibility examination; ~~to~~
- (2) Suspend a member for failing to take and pass such examination; ~~and to~~
- (3) Vacate a member's suspension for failing to take and pass such examination.

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**(c) Probation**

The State Bar Court ~~shall have the power~~, for good cause, ~~to~~ may:

- (1) Approve stipulations between the member and the Chief Trial Counsel for modification of the terms of a member's probation; and ~~to~~
- (2) Make corrections and minor modifications to the terms of a member's disciplinary probation.

The order of the State Bar Court ~~shall~~ must be filed promptly with the Clerk of the Supreme Court.

**(d) Rule ~~955~~ 9.20 compliance**

The State Bar Court ~~shall have the power~~, for good cause, ~~to~~ may extend the time within which a member must comply with the provisions of rule 9.20 of the California Rules of Court, ~~rule 955~~.

**(e) Commencement of suspension**

The State Bar Court ~~shall have the power~~, for good cause, ~~to~~ may delay temporarily the effective date of, or temporarily stay the effect of, an order for a member's disciplinary suspension from practice.

**(f) Readmission and reinstatement**

Applications for readmission or reinstatement ~~shall~~ must, in the first instance, be filed and heard by the State Bar Court. Applicants for readmission or reinstatement ~~shall~~ must:

- (1) Pass a professional responsibility examination;
- (2) Establish their rehabilitation and present moral qualifications for readmission; and
- (3) Establish present ability and learning in the general law. The State Bar may require applicants who fail to make the affirmative showing of sufficient present learning in the general law to demonstrate such learning by passing one of the General Examinations required of applicants for admission.

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**(g) Inherent power of Supreme Court**

Nothing in these rules ~~shall~~ may be construed as affecting the power of the Supreme Court to exercise its inherent jurisdiction over the lawyer discipline and admissions system.

**Rule 9.11.961. State Bar Court judges**

**(a) Applicant Evaluation and Nomination Committee**

- (1) The Supreme Court ~~shall create~~ has established an Applicant Evaluation and Nomination Committee (~~committee~~) to solicit, receive, screen, and evaluate all applications for appointment ~~and/or or~~ reappointment to any appointive position of judge of the State Bar Court (hearing judge, presiding judge, and review department judge).
- (2) The committee, ~~which shall~~ serves at the pleasure of the Supreme Court, ~~It shall~~ consists of seven members appointed by the court of whom four ~~shall~~ must be members of the State Bar in good standing, two ~~shall~~ must be retired or active judicial officers, and one ~~shall~~ must be a public member who has never been a member of the State Bar or admitted to practice before any court in the United States. Two members of the committee ~~shall~~ must be present members of the Board of Governors of the State Bar (neither of whom ~~shall~~ may be from the Board's Discipline Committee).
- ~~(2)~~ (3) The committee ~~shall~~ must adopt, and implement upon approval by the Supreme Court, procedures for:
  - (A) Timely notice to potential applicants of vacancies;
  - (B) Receipt of applications for appointments to those positions from both incumbents and other qualified persons;
  - (C) ~~soliciting~~ Solicitation and ~~receiving~~ receipt of public comment;
  - (D) Evaluation and rating of applicants; and
  - (E) Transmittal of the materials specified in (b) of this rule ~~961(b)~~ to the Supreme Court and, as applicable, other appointing authorities.

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The procedures adopted by the committee ~~shall~~ must include provisions to ensure confidentiality comparable to those followed by the Judicial Nominees Evaluation Commission established ~~pursuant to under~~ Government Code section 12011.5 [~~Judicial Nominees Evaluation Commission~~].

- (~~3~~) (4) The Board of Governors of the State Bar, in consultation with the Supreme Court if necessary, ~~shall~~ must provide facilities and support staff needed by the committee to carry out its obligations under this rule.

**(b) Evaluations**

- (1) ~~With regard to applicants seeking positions appointed by the Supreme Court,~~ The committee shall must evaluate the qualifications of and rate all applicants for positions appointed by the Supreme Court and shall must submit to the Supreme Court the nominations of at least three qualified candidates for each vacancy. The committee shall must report in confidence to the Supreme Court its evaluation and rating of applicants recommended for appointment, and the reasons therefor, including a succinct summary of their qualifications, at a time to be designated by the Supreme Court. The report shall must include written comments received by the committee, which shall must be transmitted to the Supreme Court together with the nominations.
- (2) ~~With regard to applicants seeking positions appointed by the Governor, the Senate Committee on Rules, or the Speaker of the Assembly,~~ The committee shall must evaluate the qualifications of and rate all applicants for positions appointed by the Governor, the Senate Committee on Rules, or the Speaker of the Assembly, and shall must submit in confidence to the Supreme Court and, as applicable, to other appointing authorities all applications for such positions together with the committee's evaluation and rating of these applicants, including any written comments received by the committee, at a time to be designated by the Supreme Court.
- (3) In determining the qualifications of an applicant for appointment or reappointment the committee ~~shall~~ must consider, among other appropriate factors, the following: industry, legal and judicial experience (including prior service as a judge of the State Bar Court), judicial temperament, honesty, objectivity, community respect, integrity, and ability. Any evaluation or rating of an applicant and any recommendation for appointment or reappointment by the committee

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~~shall~~ must be made in conformity with ~~subdivision (b)~~ of Business and Professions Code section 6079.1(b) and in light of the factors specified in Government Code section 12011.5, ~~subdivision (d)~~, and those specified in this ~~subdivision~~ paragraph.

- (4) Upon transmittal of its report to the Supreme Court, the committee ~~shall~~ must notify any incumbent who has applied for reappointment by the Supreme Court if he or she is or is not among the applicants recommended for appointment to the new term by the committee. The applicable appointing authority ~~shall~~ must notify as soon as possible an incumbent who has applied for reappointment but is not selected.

**(c) Appointments**

Only applicants found to be qualified by the committee or by the Supreme Court may be appointed. ~~Upon~~ At the request of the Governor, the Senate Committee on Rules, or the Speaker of the Assembly, the Supreme Court will reconsider a finding by the committee that a particular applicant is not qualified. The Supreme Court ~~shall~~ may make such orders as to the appointment of applicants as it deems appropriate, including extending the term of incumbent judges pending such order or providing for staggered terms.

**(d) Discipline for misconduct or disability**

A judge of the State Bar Court is subject to discipline or retirement on the same grounds as a judge of a court of this state. Complaints concerning the conduct of a judge of the State Bar Court ~~shall~~ must be addressed to the Executive Director–Chief Counsel of the Commission on Judicial Performance, who is ~~hereby designated as~~ the Supreme Court’s investigator for the purpose of evaluating those complaints, conducting any necessary further investigation, and determining whether formal proceedings should be instituted. If there is reasonable cause to institute formal proceedings, the investigator ~~shall~~ must notify the Supreme Court of that fact and ~~shall~~ must serve as or appoint the examiner and make other appointments and arrangements necessary for the hearing. The Supreme Court ~~shall~~ will then appoint one or more active or retired judges of superior courts or Courts of Appeal as its special master or masters to hear the complaint and the results of the investigation, and to report to the Supreme Court on the ~~masters’~~ resulting findings, conclusions, and recommendations as to discipline. The procedures of the Commission on Judicial Performance ~~shall~~ must be followed by the investigator and special masters, to the extent feasible. The procedures in the Supreme Court after a discipline recommendation is filed



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~~shall~~ will, to the extent feasible, be the same as the procedures ~~is~~ followed when a determination of the Commission on Judicial Performance is filed.

**Rule ~~9.12.951.5~~ Standard of review for State Bar Court Review Department**

~~Upon review pursuant to~~ In reviewing the decisions, orders, or rulings of a hearing judge under rule 301 of the Rules of Procedure of the State Bar of California; or such other rule as may be adopted governing the review of any decisions, orders, or rulings by a hearing judge that fully disposes of an entire proceeding, the Review Department of the State Bar Court ~~shall~~ must independently review the record and may adopt findings, conclusions, and a decision or recommendation ~~at variance with~~ different from those of the hearing judge.

**Rule ~~9.13.952.~~ Review of State Bar Court decisions**

**(a) Review of recommendation of disbarment or suspension**

A petition to the Supreme Court by a member to review a decision of the State Bar Court recommending his or her disbarment or suspension from practice ~~shall~~ must be filed within 60 days after a certified copy of the decision complained of is filed ~~the filing~~ with the Clerk of the Supreme Court ~~of a certified copy of the decision complained of.~~ The State Bar may serve and file an answer to the petition within 15 days of service of the petition. Within ~~five~~ 5 days after service of the answer, the petitioner may serve and file a reply. If review is ordered by the Supreme Court, the State Bar ~~shall~~ must serve and file a supplemental brief within 45 days after the order is filed ~~filing of the order~~. Within 15 days of service of the supplemental brief, the petitioner may serve and file a reply brief.

**(b) Review of State Bar recommendation to set aside stay of suspension or modify probation**

A petition to the Supreme Court by a member to review a recommendation of the State Bar Court that a stay of an order of suspension be set aside or that the duration or conditions of probation be modified on account of a violation of probation ~~shall~~ must be filed within 15 days after a certified copy of the recommendation complained of is filed ~~the filing~~ with the Clerk of the Supreme Court ~~of a certified copy of the decision complained of.~~ Within 15 days after service of the petition, the State Bar may serve and file an answer. Within ~~five~~ 5 days after service of ~~such~~ the answer, the petitioner may serve and file a reply.

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**(c) Review of interim decisions**

A petition to the Supreme Court by a member to review a decision of the State Bar Court regarding interim suspension, the exercise of powers delegated by rule ~~954~~ 9.10, subdivisions (b)-(e), or on another interlocutory matter ~~shall~~ must be filed within 15 days after written notice of the adverse decision of the State Bar Court is mailed, ~~postage prepaid~~, by the State Bar to the petitioner and to his or her counsel of record, if any, at their respective addresses ~~pursuant to~~ under section 6002.1. Within 15 days after service of the petition, the State Bar may serve and file an answer. Within ~~five~~ 5 days after service of the answer, the petitioner may serve and file a reply.

**(d) Review of other decisions**

A petition to the Supreme Court to review any other decision of the State Bar Court or action of the Board of Governors of the State Bar, or of any board or committee appointed by it and authorized to make a determination ~~pursuant to~~ under the provisions of the State Bar Act, or of the chief executive officer of the State Bar or the designee of the chief executive officer authorized to make a determination ~~pursuant to~~ under article 10 of the State Bar Act or these rules of court, ~~shall~~ must be filed within 60 days after written notice of the action complained of is mailed, ~~postage prepaid~~, to the petitioner, and to his or her counsel of record, if any, at their respective addresses addressed to the petitioner at his or her address pursuant to under section 6002.1. Within 15 days after service of the petition, the State Bar may serve and file an answer and brief. Within ~~five~~ 5 days after service of the answer and brief, the petitioner may serve and file a reply. If a review is ordered by the Supreme Court, the State Bar, within 45 days after filing of the order, may serve and file a supplemental brief. Within 15 days after service of the supplemental brief, the petitioner may file a reply brief.

**(e) Contents of petition**

(1) A petition to the Supreme Court filed ~~pursuant to~~ under subdivisions (a) and (b) of this rule ~~shall~~ must be verified, ~~shall~~ must specify the grounds relied upon, ~~shall~~ must show that review within the State Bar Court has been exhausted, ~~shall~~ must address why review is appropriate under one or more of the grounds ~~set forth~~ specified in rule ~~954~~ 9.16, and ~~shall~~ must have attached a copy of the State Bar Court decision from which relief is sought.

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(2) When review is sought ~~pursuant to~~ under subdivisions (c) and (d) of this rule, the petition ~~shall~~ must also be accompanied by a record adequate to permit review of the ruling, including:

(1) (A) Legible copies of all documents and exhibits submitted to the State Bar Court supporting and opposing petitioner's position;

(2) (B) Legible copies of all other documents submitted to the State Bar Court that are necessary for a complete understanding of the case and the ruling; and

(3) (C) A transcript of the proceedings in the State Bar Court leading to the decision; or, if a transcript is unavailable, a declaration by counsel (i) explaining why a transcript is unavailable and (ii) fairly summarizing the proceedings, including arguments by counsel and the basis of the State Bar Court's decision, if stated; or a declaration by counsel stating that the transcript has been ordered, the date it was ordered, and the date it is expected to be filed, which ~~shall~~ must be a date ~~prior to~~ before any action is requested ~~of~~ from the Supreme Court other than issuance of a stay supported by other parts of the record.

~~All copies of documents shall be legible~~

(3) A petitioner who requests an immediate stay ~~shall~~ must explain in the petition the reasons for the urgency and set forth all relevant time constraints.

(4) If a petitioner does not submit the required record, the court may summarily deny the stay request, the petition, or both.

**(f) Service**

All petitions, briefs, reply briefs, and other pleadings filed by a petitioner ~~pursuant to~~ under this rule ~~shall~~ must be accompanied by proof of service of three copies on the General Counsel of the State Bar at the San Francisco office of the State Bar, and of one copy on the Clerk of the State Bar Court at the Los Angeles office of the State Bar Court. The State Bar ~~shall~~ must serve the member at his or her address ~~pursuant to~~ under Business and Professions Code section 6002.1, and his or her counsel of record, if any.

**Rule 9.14.952.5. Petitions for review by the Chief Trial Counsel**

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**(a) Time for filing**

The Chief Trial Counsel may petition for review of recommendations and decisions of the State Bar Court as ~~indicated~~ follows:

~~(a)~~ (1) From recommendations that a member be suspended, within 60 days of ~~filing of the~~ date the recommendation is filed with the Supreme Court.

~~(b)~~ (2) From recommendations that the duration or conditions of probation be modified, or a reinstatement application be granted, within 15 days of ~~the filing of the~~ date the recommendation is filed with the Supreme Court.

~~(c)~~ (3) From decisions not to place an eligible member on interim suspension, or vacating interim suspension, or a denial of a petition brought under section 6007(c), within 15 days of notice ~~as provided by~~ under the rules adopted by the State Bar.

~~(d)~~ (4) From decisions dismissing disciplinary proceedings or recommending approval, within 60 days of notice ~~as provided by~~ under the rules adopted by the State Bar.

**(b) Procedures**

Proceedings under this rule with regard to briefing, service of process, and applicable time periods therefor ~~shall~~ must correspond to proceedings brought under rule 952 9.13 ~~and the corresponding subdivisions thereof,~~ except that the rights and duties of the member and the State Bar ~~in~~ under that rule 952 shall be are reversed.

**Rule 9.15.952.6. Petitions for review by the Committee of Bar Examiners; grounds for review; confidentiality**

**(a) Petition for review by the Committee of Bar Examiners**

The Committee of Bar Examiners may petition for review of the decision of the Review Department of the State Bar Court in moral character proceedings. All petitions under this rule ~~shall~~ must be filed with the Clerk of the Supreme Court within 60 days after the State Bar Court decision is filed and served on the General Counsel of the State Bar at the San Francisco office of the State Bar ~~San Francisco office~~. The applicant may file and serve an answer ~~to the petition~~ within 15 days of service of the petition. Within

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~~five~~ 5 days after service of the answer the Committee of Bar Examiners may serve and file a reply. If review is ordered by the Supreme Court, within 45 days after filing of the order, the applicant may file a supplemental brief. Within 15 days after service of the supplemental brief, the petitioner may serve and file a reply brief.

**(b) Contents of petition**

A petition to the Supreme Court filed ~~pursuant to~~ under this rule ~~shall~~ must show that review within the State Bar Court has been exhausted, ~~shall~~ must address why review is appropriate under one or more of the grounds ~~set forth~~ specified in rule ~~954~~ 9.16 ~~of these rules~~, and ~~shall~~ must have attached a copy of the State Bar Court decision for which review is sought.

**(c) Service**

All petitions, briefs, reply briefs, and other pleadings filed by the Committee of Bar Examiners ~~shall~~ must include a proof of service by mail to the applicant's last address provided to the State Bar or the applicant's attorney of record, if any. Filings by the applicant ~~shall~~ must include a proof of service of three copies on the General Counsel of the State Bar at the San Francisco office of the State Bar ~~San Francisco office~~ and one copy on the Clerk of the State Bar Court at the ~~San Francisco~~ Los Angeles office of the State Bar Court.

**(d) Confidentiality**

All filings under this rule ~~shall be~~ are confidential unless: (1) the applicant waives confidentiality in writing; or (2) the Supreme Court grants review. Once the Supreme Court grants review, filings under this rule ~~shall be~~ are open to the public; however, if good cause exists, the Supreme Court may order portions of the record or the identity of witnesses or other third parties to the proceedings to remain confidential.

**Rule 9.16,~~954~~. Grounds for review of State Bar Court decisions in the Supreme Court**

**(a) Grounds**

The Supreme Court will order review of a decision of the State Bar Court recommending disbarment or suspension from practice when it appears:

- (1) Necessary to settle important questions of law;

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- 1  
2 (2) The State Bar Court has acted without or in excess of jurisdiction;  
3  
4 (3) Petitioner did not receive a fair hearing;  
5  
6 (4) The decision is not supported by the weight of the evidence; or  
7  
8 (5) The recommended discipline is not appropriate in light of the record as  
9 a whole.

10  
11 **(b) Denial of review**

12  
13 Denial of review of a decision of the State Bar Court ~~shall constitute~~ is a  
14 final judicial determination on the merits and the recommendation of the  
15 State Bar Court ~~shall~~ will be filed as an order of the Supreme Court.  
16

17 **Rule 9.17.953.5. Remand with instructions**

18  
19 At any time ~~prior to~~ before the final disposition of a decision of the State Bar  
20 Court filed ~~pursuant to~~ under Business and Professions Code section 6081, the  
21 Supreme Court may remand the matter to the State Bar Court with instructions to  
22 conduct such further proceedings as the Supreme Court deems necessary.  
23

24 **Rule 9.18.953. Effective date of disciplinary orders and decisions**

25  
26 **(a) Effective date of Supreme Court orders**

27  
28 Unless otherwise ordered, all orders of the Supreme Court imposing  
29 discipline or opinions deciding causes involving the State Bar become final  
30 30 days after filing. The Supreme Court may grant a rehearing at any time  
31 before the decision or order becomes final. Petitions for rehearing may be  
32 filed within 15 days of the date the decision or order was filed. Unless  
33 otherwise ordered, when petitions for review ~~pursuant to~~ under rules 952(e)  
34 9.13(c) and ~~952.5(e)~~ 9.14(a)(3) are acted upon summarily, the orders of the  
35 Supreme Court are final forthwith and ~~shall~~ do not have law-of-the-case  
36 effect in subsequent proceedings in the Supreme Court.  
37

38 **(b) Effect of State Bar Court orders when no review sought**

39  
40 Unless otherwise ordered, if no petition for review is filed within the time  
41 allowed by rule 952 ~~9.13, subdivisions~~ (a), (b), and (d), or rule ~~952.5~~ 9.14,  
42 ~~subdivisions~~ (a) (1) and ~~(b)~~ (2), as to a recommendation of the State Bar  
43 Court for the disbarment, suspension, or reinstatement of a member, the

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vacation of a stay, or modification of the duration or conditions of a probation, the recommendation of the State Bar Court ~~shall~~ will be filed as an order of the Supreme Court following the expiration of the time for filing a timely petition. The Clerk of the Supreme Court ~~shall~~ will mail notice of this effect to the member and his or her attorney of record, if any, at their respective addresses at his or her address pursuant to under Business and Professions Code section 6002.1 and to the State Bar.

**(c) Effect of State Bar Court orders in moral character proceedings when no review sought**

Unless otherwise ordered, if no petition for review is filed within the time allowed by rule ~~952.69.15, subdivision (a),~~ as to a recommendation of the State Bar Court in moral character proceedings, the recommendation of the State Bar Court ~~shall~~ will be filed as an order of the Supreme Court following the expiration of the time for filing a timely petition. The Clerk of the Supreme Court ~~shall~~ will mail notice of this effect to the applicant's last address provided to the State Bar or to the applicant's attorney of record, if any, and to the State Bar.

**Rule ~~9.19.956.~~ Conditions attached to reprovals**

**(a) Attachment of conditions to reprovals**

The State Bar may attach conditions, effective for a reasonable time, to a public or private reproof administered upon a member of the State Bar. Conditions so attached ~~shall~~ must be based ~~upon~~ on a finding by the State Bar that protection of the public and the interests of the ~~attorney member~~ member will be served thereby. The State Bar when administering the reproof ~~shall~~ must give notice to the ~~attorney member~~ member that failure to comply with the conditions may be punishable.

**(b) Sanctions for failure to comply**

~~An attorney's~~ member's failure to comply with conditions attached to a public or private reproof may ~~constitute~~ be cause for a separate proceeding for willful breach of rule 9-101 of the Rules of Professional Conduct.

**Rule ~~9.20.955.~~ Duties of disbarred, resigned, or suspended attorneys**

**(a) Disbarment, suspension, and resignation orders**

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The Supreme Court may include in an order disbarring or suspending a member of the State Bar, or accepting his or her resignation, a direction that the member ~~shall~~ must, within such time limits as the Supreme Court may prescribe;

- (1) Notify all clients being represented in pending matters and any co-counsel of his or her disbarment, suspension, or resignation and his or her consequent disqualification to act as an attorney after the effective date of the disbarment, suspension, or resignation, and, in the absence of co-counsel, also notify the clients to seek legal advice elsewhere, calling attention to any urgency in seeking the substitution of another attorney or attorneys;
- (2) Deliver to all clients being represented in pending matters any papers or other property to which the clients are entitled, or notify the clients and any co-counsel of a suitable time and place where the papers and other property may be obtained, calling attention to any urgency for obtaining the papers or other property;
- (3) Refund any part of fees paid that have not been earned; and
- (4) Notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties of the disbarment, suspension, or resignation and consequent disqualification to act as an attorney after the effective date of the disbarment, suspension, or resignation, and file a copy of the notice with the court, agency, or tribunal before which the litigation is pending for inclusion in the respective file or files.

**(b) Notices to clients, co-counsel, opposing counsel, and adverse parties**

All notices required by an order of the Supreme Court or the State Bar Court ~~pursuant to~~ under this rule ~~shall~~ must be given by registered or certified mail, return receipt requested, and ~~shall~~ must contain an address where communications may be directed to the disbarred, suspended, or resigned member.

**(c) Filing proof of compliance**

Within such time as the order may prescribe after the effective date of the member's disbarment, suspension, or resignation, the member ~~shall~~ must file with the Clerk of the State Bar Court an affidavit showing that he or she has fully complied with those provisions of the order entered ~~pursuant to~~ under this rule. The affidavit ~~shall~~ must also ~~set forth~~ specify an address where



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communications may be directed to the disbarred, suspended, or resigned member.

**(d) Sanctions for failure to comply**

A disbarred or resigned member's willful failure to comply with the provisions of this rule ~~constitutes~~ is a ground for denying his or her application for reinstatement or readmission. A suspended member's willful failure to comply with the provisions of this rule ~~constitutes~~ is a cause for disbarment or suspension and for revocation of any pending probation. Additionally, such failure may be punished as a contempt or a crime.

**Rule ~~9.21.960~~. Resignations of members of the State Bar with disciplinary charges pending**

**(a) General provisions**

A member of the State Bar against whom disciplinary charges are pending may tender a written resignation from membership in the State Bar and relinquishment of the right to practice law. The written resignation ~~shall~~ must be signed and dated by the member at the time it is tendered and ~~shall~~ must be tendered to the Office of the Clerk, State Bar Court, ~~1230 W. Third~~ 1149 South Hill Street, Los Angeles, California ~~90017~~ 90015. The resignation ~~shall~~ must be substantially in the form specified in ~~subdivision~~ (b) of this rule. In submitting a resignation under this rule, a member of the State Bar ~~shall~~ agrees to be transferred to inactive membership in the State Bar effective ~~upon~~ on the filing of the resignation by the State Bar. Within 30 days after filing of the resignation, the member ~~shall~~ must perform the acts specified in rule ~~955 9.20(a)(1) through (4)~~ 9.20(a)(1) through (4) and (b) ~~of these rules~~ and within 40 days after filing of the resignation, the member ~~shall~~ must file with the Office of the Clerk, State Bar Court, at the above address, the proof of compliance ~~set forth~~ specified in rule ~~955 9.20(c) of these rules~~ 9.20(c) of these rules. No resignation ~~shall become~~ is effective unless and until it is accepted by the Supreme Court after consideration and recommendation by the Board of Governors of the State Bar.

**(b) Form of resignation**

The member's written resignation ~~shall~~ must be in substantially the following form:

"I, *[name of member]*, against whom charges are pending, hereby resign as a member of the State Bar of California and relinquish all right to practice law

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in the State of California. ~~and I agree that,~~ in the event that this resignation is accepted and I later file a petition for reinstatement, ~~that~~ the State Bar will consider in connection therewith all disciplinary matters and proceedings against me at the time this resignation is accepted, in addition to other appropriate matters. I further agree that, ~~upon~~ on the filing of this resignation by the Office of the Clerk, State Bar Court, I will be transferred to inactive membership of the State Bar. ~~Upon~~ On such transfer, I acknowledge that I will be ineligible to practice law or to advertise or hold myself out as practicing or as entitled to practice law. I further agree that, within 30 days of the filing of the resignation by the Office of the Clerk, State Bar Court, I ~~shall~~ will perform the acts specified in rules ~~955~~ 9.20(a)–(b), of the California Rules of Court, and within 40 days of the date of filing of this resignation by the Office of the Clerk, State Bar Court, I ~~shall~~ will notify that office as specified in rule ~~955~~ 9.20(c), of the California Rules of Court.”

**(c) Consideration of resignation by State Bar Board of Governors and Supreme Court; ~~grounds for rejection of resignation~~**

~~Upon receipt of~~ When the Office of the Clerk of the State Bar Court receives a member’s resignation, tendered in conformity with ~~the provisions of subdivision (b) of this rule, the Office of the Clerk, State Bar Court,~~ it ~~shall~~ must promptly file the resignation. The Board of Governors of the State Bar ~~shall~~ must thereafter consider the member’s resignation and recommend to the Supreme Court whether the resignation should be accepted and, if so, whether testimony should be ~~perpetuated~~ preserved. The Office of the Clerk, of the State Bar Court, ~~shall~~ must transmit to the Clerk of the Supreme Court, three certified copies of the Board’s recommendation together with the member’s resignation, when, by the terms of the Board’s recommendation, the resignation should be transmitted to the Supreme Court.

**(d) Grounds for rejection of resignation by the Supreme Court**

The Supreme Court ~~shall~~ will make such orders ~~as to~~ concerning the member’s resignation as it deems appropriate. The Supreme Court may decline to accept the resignation ~~upon~~ based on a report by the Board of Governors that:

- (1) ~~perpetuation~~ Preservation of necessary testimony is not complete;
- (2) ~~that~~ After transfer to inactive status, the member has practiced law or has advertised or held himself or herself out as entitled to practice law;

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(3) ~~that~~ The member has failed to perform the acts specified by rule ~~955~~  
9.20(a)–(b) of these rules;

(4) ~~that~~ The member has failed to provide proof of compliance as specified  
in rule ~~955~~ 9.20(c) of these rules;

(5) ~~that~~ The Supreme Court has filed an order of disbarment as to the  
member; or

(6) ~~upon~~ On such other evidence as may show that acceptance of the  
resignation of the member will reasonably be inconsistent with the need  
to protect the public, the courts, or the legal profession.

**Rule ~~9.22.962.~~ Suspension of members of the State Bar for failure to comply  
with judgment or order for child or family support**

**(a) ~~General provisions~~ Annual State Bar recommendation for suspension of  
delinquent members**

~~Pursuant to~~ Under section ~~11350.6 of the Welfare and Institutions~~ Family  
Code section 17520, the State Bar is authorized to transmit to the Supreme  
Court on an annual basis the names of those members listed by the State  
Department of Social Services as delinquent in their payments of court-  
ordered child or family support with a recommendation for their suspension  
from the practice of law.

**(b) Condition for reinstatement of suspended members**

~~When~~ A member is suspended under this rule may be reinstated;  
~~reinstatement may occur~~ only after receipt by the Supreme Court of  
notification from the State Bar that the member's name has been removed  
from the State Department of Social Services list.

**(c) Additional recommendation for suspension by the State Bar**

~~Pursuant to~~ Under section ~~11350.6 subdivision (l) of the Welfare and~~  
~~Institutions~~ Family Code section 17520(l), the State Bar is further authorized  
to promptly transmit to the Supreme Court with a recommendation for their  
suspension from the practice of law the names of those members previously  
listed by the State Department of Social Services as delinquent in their  
payments of court-ordered child or family support, who obtained releases  
~~pursuant to~~ under section ~~11350.6, subdivision (h) of the Welfare and~~

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~~Institutions~~ Family Code section 17520(h), and who have subsequently been identified by the Department of Social Services as again being delinquent.

**~~(b)~~ (d) Authorization for the Board of Governors of the State Bar to adopt rules and regulations**

The Board of Governors of the State Bar is ~~further~~ authorized to adopt such rules and regulations as it deems necessary and appropriate in order to comply with this ~~rule of Court~~. The rules and regulations of the State Bar ~~shall~~ must contain procedures governing the notification, suspension, and reinstatement of members of the State Bar in a manner not inconsistent with ~~section 11350.6 of the Welfare and Institutions~~ Family Code section 17520.

**Chapter 3. Legal Education**

**Rule ~~9.30.957~~. Law school study in schools other than those accredited by the examining committee**

**(a) Receipt of credit**

A person who seeks to be certified to the Supreme Court for admission in and licensed to practice law ~~in accordance with~~ under section 6060(e)~~(3)~~(2) of the Business and Professions Code may receive credit for:

- (1) Study in a law school in the United States other than one accredited by the examining committee established by the Board of Governors of the State Bar pursuant to under section 6046 of said code Business and Professions Code section 6046 only if the law school satisfies the requirements of paragraph (b) or paragraph (c) of this rule; or
- (2) Instruction in law from a correspondence school only if the correspondence school requires 864 hours of preparation and study per year for four years and satisfies the requirements of paragraph (d) of this rule; or
- (3) Study in a law school outside the United States other than one accredited by the examining committee established by the Board of Governors of the State Bar pursuant to under section 6046 of said code Business and Professions Code section 6046 only if the examining committee is satisfied that the academic program of such law school is substantially equivalent to that of a law school qualified under paragraph (b) of this rule.

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**(b) Requirements for unaccredited law schools in state**

A law school in this state that is not accredited by the examining committee must:

- (1) Be authorized to confer professional degrees by the laws of this state;
- (2) Maintain a regular course of instruction in law, with a specified curriculum and regularly scheduled class sessions;
- (3) Require classroom attendance of its students for a minimum of 270 hours a year for at least four years, and further require regular attendance of each student at not less than 80 percent of the regularly scheduled class hours in each course in which such student was enrolled and maintain attendance records adequate to determine each student's compliance with these requirements;
- (4) Maintain, in a fixed location, physical facilities capable of accommodating the classes scheduled for that location;
- (5) Have an adequate faculty of instructors in law. The faculty will prima facie be deemed adequate if at least 80 percent of the instruction in each academic period is by persons who possess one or more of the following qualifications:
  - (i) (A) Admission to the general practice of the law in any jurisdiction in the United States;
  - (ii) (B) Judge of a United States court or a court of record in any jurisdiction in the United States; or
  - (iii) (C) Graduation from a law school accredited by the examining committee;
- (6) Own and maintain a library consisting of not less than the following sets of books, all of which ~~shall~~ must be current and complete:
  - (i) (A) The published reports of the decisions of California courts, with advance sheets and citator;
  - (ii) (B) A digest or encyclopedia of California law;
  - (iii) (C) An annotated set of the California codes; and

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(iv) (D) A current, standard text or treatise for each course or subject in the curriculum of the school for which such a text or treatise is available;

(7) Establish and maintain standards for academic achievement, advancement in good standing and graduation, and provide for periodic testing of all students to determine the quality of their performance in relation to such standards; and

(8) Register with the examining committee, and maintain such records (available for inspection by the examining committee) and file with the examining committee such reports, notices, and certifications, as may be required by the rules of the examining committee.

**(c) Requirements for unaccredited law schools outside the state**

A law school in the United States that is outside the state of California and is not accredited by the examining committee must:

(1) Be authorized to confer professional degrees by the law of the state in which it is located;

(2) Comply with ~~subparagraphs~~ (b)(2), (3), (4), (5), (7), and (8) ~~of subdivision (b)~~ of this rule; and

(3) Own and maintain a library that is comparable in content to that specified in ~~subparagraph (6) of paragraph (b)~~ (6) of this rule.

**(d) Registration and reports**

~~It is the duty of~~ A correspondence law school ~~to~~ must register with the examining committee and file such reports, notices, and certifications as may be required by the rules of the examining committee concerning any person whose mailing address is in the state of California or whose application to, contract with, or correspondence with or from the law school indicates that the instruction by correspondence is for the purpose or with the intent of qualifying that person for admission to practice law in California.

**(e) Inspections**

The examining committee may make such inspection of law schools not accredited by the committee or correspondence schools as may be necessary

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or proper to ~~effectuate~~ give effect to the provisions of ~~section 6060 of the~~  
Business and Professions Code section 6060 ~~and of~~, this rule, and of the  
rules of the examining committee.

**(f) Application**

This rule ~~shall~~ does not apply to any person who, on the effective date of the  
rule, had commenced the study of law in a manner authorized by ~~section~~  
~~6060(e) of the~~ Business and Professions Code section 6060(e) and registered  
as a law student ~~prior to~~ before January 1, 1976 (as provided in ~~section~~  
~~6060(d) of the~~ Business and Professions Code section 6060(d) and otherwise  
satisfies the requirements of ~~section 6060(e) of the~~ Business and Professions  
Code section 6060(e); provided that after January 1, 1976, credit ~~shall~~ will  
be given such person for any study in an unaccredited law school or by  
correspondence only if the school complies with the requirements of  
~~paragraph (b)(8) or paragraph (d) of this rule, whichever is applicable, and~~  
permits inspection as ~~provided in~~ under ~~paragraph (e) of this rule.~~

**Rule 9.31.958. Minimum continuing legal education**

**(a) Statutory authorization**

This rule is adopted under ~~section 6070 of the~~ Business and Professions  
Code section 6070.

**(b) State Bar minimum continuing legal education program**

The State Bar ~~shall~~ must establish and administer a minimum continuing  
legal education program, ~~beginning on or after January 1, 1991,~~ under rules  
adopted by the Board of Governors of the State Bar. These rules may provide  
for carryforward of excess credit hours, staggering of the education  
requirement for implementation purposes, and retroactive credit for legal  
education.

**(c) Minimum continuing legal education requirements**

Each active member of the State Bar (1) not exempt under Business and  
Professions Code section 6070, (2) not a full-time employee of the United  
States Government, its departments, agencies, and public corporations,  
acting within the scope of his or her employment, and (3) not otherwise  
exempt under rules adopted by the Board of Governors of the State Bar, ~~shall~~  
must, within 36-month periods designated by the State Bar, complete at least  
25 hours of legal education approved by the State Bar or offered by a State

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Bar–approved provider. Four of those hours ~~shall~~ must address legal ethics. Members may be required to complete legal education in other specified areas within the 25-hour requirement under rules adopted by the State Bar. Each active member ~~shall~~ must report his or her compliance to the State Bar under rules adopted by the Board of Governors of the State Bar.

**(d) Failure to comply with program**

A member of the State Bar who fails to satisfy the requirements of the State Bar’s minimum continuing legal education program ~~shall~~ must be enrolled as an inactive member of the State Bar under rules adopted by the Board of Governors of the State Bar.

**(e) Fees and penalties**

The State Bar ~~shall have~~ has the authority to set and collect appropriate fees and penalties.

**Division 3. Legal Specialists**

**Rule ~~9.35.983.5. California Rules of Court~~ [~~Certifying~~ Certified legal specialists]**

**(a) Definition**

A “certified specialist” is a California attorney who holds a current certificate as a specialist issued by the State Bar of California Board of Legal Specialization or any other entity approved by the State Bar to designate specialists.

**(b) State Bar Legal Specialization Program**

The State Bar ~~shall~~ must establish and administer a program for certifying legal specialists and may establish a program for certifying entities that certify legal specialists under rules adopted by the Board of Governors of the State Bar.

**(c) Authority to practice law**

No ~~lawyer~~ attorney ~~shall~~ may be required to obtain certification as a certified specialist as a prerequisite to practicing law in this state. Any ~~lawyer~~ attorney, alone or in association with any other ~~lawyer~~ attorney, ~~shall have~~



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has the right to practice in any field of law in this state and to act as counsel in every type of case, even though he or she is not certified as a specialist.

**(d) Failure to comply with program**

A certified specialist who fails to comply with the requirements of the Legal Specialization Program of the State Bar, ~~shall~~ will have her or his certification suspended or revoked under rules adopted by the Board of Governors of the State Bar.

**(e) Fee and penalty**

The State Bar ~~shall have~~ has the authority to set and collect appropriate fees and penalties for this program.

**(f) Inherent power of Supreme Court**

Nothing in these rules ~~shall~~ may be construed as affecting the power of the Supreme Court to exercise its inherent jurisdiction over the practice of law in California.

**Division 4. Appearances and Practice by Individuals Who Are Not Members of the State Bar of California**

**Rule 9.40.983. Counsel *pro hac vice***

**(a) Eligibility**

A person who is not a member of the State Bar of California but who is a member in good standing of and eligible to practice before the bar of any United States court or the highest court in any state, territory, or insular possession of the United States, and who has been retained to appear in a particular cause pending in a court of this state, may in the discretion of such court be permitted upon written application to appear as counsel *pro hac vice*, provided that an active member of the State Bar of California is associated as attorney of record. No person is eligible to appear as counsel *pro hac vice* ~~pursuant to~~ under this rule if the person is:

(1) ~~he is~~ A resident of the State of California;

(2) ~~he is~~ Regularly employed in the State of California; or

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- (3) ~~he is~~ Regularly engaged in substantial business, professional, or other activities in the State of California.

**(b) Repeated appearances as a cause for denial**

Absent special circumstances, repeated appearances by any person ~~pursuant to~~ under this rule ~~shall be~~ is a cause for denial of an application.

**(b)(c) Application; notice of hearing**

**(1) Application in superior court**

A person desiring to appear as counsel *pro hac vice* in a superior, ~~municipal, or justice court~~ shall must file with the court a verified application together with proof of service by mail in accordance with ~~section 1013a of the~~ Code of Civil Procedure section 1013a of a copy of the application and of the notice of hearing of the application ~~upon~~ on all parties who have appeared in the cause and ~~upon~~ on the State Bar of California at its San Francisco office. The notice of hearing ~~shall~~ must be given at the time prescribed in ~~section 1005 of the~~ Code of Civil Procedure section 1005 unless the court has prescribed a shorter period.

**(2) Application in Supreme Court or Court of Appeal**

An application to appear as counsel *pro hac vice* in the Supreme Court or a Court of Appeal ~~shall~~ must be made as provided in rule 41 8.54, with proof of service ~~upon~~ on all parties who have appeared in the cause and ~~upon~~ on the State Bar of California at its San Francisco office.

**(d) Contents of application**

The application ~~shall~~ must state:

- (1) The applicant's residence and office address;
- (2) The courts to which the applicant has been admitted to practice and the dates of admission;
- (3) That the applicant is a member in good standing in those courts;
- (4) That the applicant is not currently suspended or disbarred in any court;

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- 1  
2 (5) The title of court and cause in which the applicant has filed an  
3 application to appear as counsel *pro hac vice* in this state in the  
4 preceding two years, the date of each application, and whether or not it  
5 was granted; and  
6  
7 (6) The name, address, and telephone number of the active member of the  
8 State Bar of California who is attorney of record.  
9

10 ~~(e)~~(e) **Fee for application**

11  
12 An applicant for permission to appear as counsel *pro hac vice* ~~pursuant to~~  
13 under this rule shall must pay a reasonable fee not exceeding \$50 to the State  
14 Bar of California with the copy of the application and the notice of hearing  
15 that is served ~~upon~~ on the State Bar. ~~The amount of the fee shall be fixed by~~  
16 The Board of Governors of the State Bar of California will fix the amount of  
17 the fee:  
18

- 19 (1) To defray the expenses of administering the provisions of this rule  
20 which that are applicable to the State Bar and the incidental  
21 consequences resulting from such provisions; ; and  
22  
23 (2) Partially to defray the expenses of administering the Board's other  
24 responsibilities to enforce the provisions of the State Bar Act relating to  
25 the competent delivery of legal services and the incidental  
26 consequences resulting therefrom.  
27

28 ~~(d)~~(f) **Contempt and other court sanctions; discipline Counsel *pro hac***  
29 **vice subject to jurisdiction of courts and State Bar**  
30

31 A person permitted to appear as counsel *pro hac vice* ~~pursuant to~~ under this  
32 rule ~~shall be~~ is subject to the jurisdiction of the courts of this state with  
33 respect to the law of this state governing the conduct of attorneys to the same  
34 extent as a member of the State Bar of California. ~~He~~ The counsel *pro hac*  
35 vice shall must familiarize himself or herself and comply with the standards  
36 of professional conduct required of members of the State Bar of California  
37 and ~~shall~~ will be subject to the disciplinary jurisdiction of the State Bar with  
38 respect to any of his or her acts occurring in the course of such appearance.  
39 Article 5, chapter 4, division III of the ~~California~~ Business and Professions  
40 Code and the Rules of Procedure of the State Bar ~~shall~~ govern in any  
41 investigation or proceeding conducted by the State Bar under this rule.  
42

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~~(e)~~(g) **Supreme Court and Court of Appeal not precluded from  
permitting argument in a particular case**

This rule does not preclude the Supreme Court or a Court of Appeal from permitting argument in a particular case from a person who is not a member of the State Bar, but who is licensed to practice in another jurisdiction and who possesses special expertise in the particular field affected by the proceeding.

**Rule 9.41.983.1. Appearances by military counsel**

(a) **Permission to appear**

A judge advocate (as that term is defined at 10 United States Code section 801(13)) who is not a member of the State Bar of California but who is a member in good standing of and eligible to practice before the bar of any United States court or of the highest court in any state, territory, or insular possession of the United States may, in the discretion of a court of this state, be permitted to appear in that court to represent a person in the military service in a particular cause pending before that court, ~~pursuant to~~ under the Soldiers' and Sailors' Servicemembers Civil Relief Act of 1940, 50 United States Code Appendix section 501 et seq., if:

- (1) The judge advocate has been made available by the cognizant Judge Advocate General (as that term is defined at 10 United States Code section 801(1)); or a duly designated representative; and
- (2) The court finds that retaining civilian counsel likely would cause substantial hardship for the person in military service or that person's family; and
- (3) The court appoints a judge advocate as attorney to represent the person in military service pursuant to under the Soldiers' and Sailors' Servicemembers Civil Relief Act of 1940.

Under no circumstances is the determination of availability of a judge advocate to be made by any court within this state, or reviewed by any court of this state. In determining the likelihood of substantial hardship as a result of the retention of civilian counsel, the court may take judicial notice of the prevailing pay scales for persons in the military service.

(b) **Notice to parties**

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The clerk of the court considering appointment of a judge advocate ~~pursuant to~~ under this rule ~~shall~~ must provide written notice of that fact to all parties who have appeared in the cause. A copy of the notice, together with proof of service by mail in accordance with ~~section 1013a of the Code of Civil Procedure~~ section 1013a, ~~shall~~ must be filed by the clerk of the court. Any party who has appeared in the matter may file a written objection to the appointment within 10 days of the date on which notice was given unless the court has prescribed a shorter period. If the court determines to hold a hearing in relation to the appointment, notice of the hearing ~~shall~~ must be given at least 10 days before the date designated for the hearing unless the court has prescribed a shorter period.

**(c) Appearing judge advocate subject to court and State Bar jurisdiction**

A judge advocate permitted to appear ~~pursuant to~~ under this rule ~~983.1 shall~~ be ~~is~~ subject to the jurisdiction of the courts of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of California. The judge advocate ~~shall~~ must become familiar with and comply with the standards of professional conduct required of members of the State Bar of California and ~~shall be~~ is subject to the disciplinary jurisdiction of the State Bar of California. Division 3, chapter 4, article 5 of the ~~California~~ Business and Professions Code and the Rules of Procedure of the State Bar of California ~~shall~~ govern any investigation or proceeding conducted by the State Bar under this rule.

**(d) Appearing judge advocate subject to rights and obligations of State Bar members concerning professional privileges**

A judge advocate permitted to appear ~~pursuant to~~ under this rule ~~shall be~~ is subject to the rights and obligations with respect to attorney-client privilege, work-product privilege, and other professional privileges to the same extent as a member of the State Bar of California.

**Rule ~~9.42.983.2~~ 983.2. Certified law students**

**(a) Definitions**

- (1) A “certified law student” is a law student who has a currently effective certificate of registration as a certified law student from the State Bar.
- (2) A “supervising attorney” is a member of the State Bar who agrees to supervise a certified law student under rules established by the State Bar and whose name appears on the application for certification.

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**(b) State Bar Certified Law Student Program**

The State Bar ~~shall~~ must establish and administer a program for registering law students under rules adopted by the Board of Governors of the State Bar.

**(c) Eligibility for certification**

To be eligible to become a certified law student, an applicant must:

- (1) Have successfully completed one full year of studies (minimum of 270 hours) at a law school accredited by the American Bar Association or the State Bar of California, or both, or have passed the first year law students' examination;
- (2) Have been accepted into, and be enrolled in, the second, third, or fourth year of law school in good academic standing or have graduated from law school, subject to the time period limitations specified in the rules adopted by the Board of Governors of the State Bar; and
- (3) Have either successfully completed or be currently enrolled in and attending academic courses in evidence and civil procedure.

**(d) Permitted activities**

Subject to all applicable rules, regulations, and statutes, a certified law student may:

- (1) Negotiate for and on behalf of the client subject to final approval thereof by the supervising attorney ~~and/or~~ give legal advice to the client, provided that the certified law student:
  - ~~(i)~~ (A) Obtains the approval of the supervising attorney to engage in the activities;
  - ~~(ii)~~ (B) Obtains the approval of the supervising attorney regarding the legal advice to be given or plan of negotiation to be undertaken by the certified law student; and
  - ~~(iii)~~ (C) Performs the activities under the general supervision of the supervising attorney;

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1           (2) Appear on behalf of the client in depositions, provided that the certified  
2 law student:

3  
4           ~~(i)~~ (A)       Obtains the approval of the supervising attorney to engage  
5 in the activity;

6  
7           ~~(ii)~~ (B)       Performs the activity under the direct and immediate  
8 supervision and in the personal presence of the supervising  
9 attorney (or, exclusively in the case of government agencies, any  
10 deputy, assistant, or other staff attorney authorized and designated  
11 by the supervising attorney); and

12  
13          ~~(iii)~~ (C)       Obtains a signed consent form from the client on whose  
14 behalf the certified law student acts (or, exclusively in the case of  
15 government agencies, from the chief counsel or prosecuting  
16 attorney) approving the performance of such acts by such certified  
17 law student or generally by any certified law student;

18  
19          (3) Appear on behalf of the client in any public trial, hearing, arbitration, or  
20 proceeding, or before any arbitrator, court, public agency, referee,  
21 magistrate, commissioner, or hearing officer, to the extent approved by  
22 such arbitrator, court, public agency, referee, magistrate, commissioner,  
23 or hearing officer, provided that the certified law student:

24  
25          ~~(i)~~ (A)       Obtains the approval of the supervising attorney to engage  
26 in the activity;

27  
28          ~~(ii)~~ (B)       Performs the activity under the direct and immediate  
29 supervision and in the personal presence of the supervising  
30 attorney (or, exclusively in the case of government agencies, any  
31 deputy, assistant, or other staff attorney authorized and designated  
32 by the supervising attorney);

33  
34          ~~(iii)~~ (C)       Obtains a signed consent form from the client on whose  
35 behalf the certified law student acts (or, exclusively in the case of  
36 government agencies, from the chief counsel or prosecuting  
37 attorney) approving the performance of such acts by such certified  
38 law student or generally by any certified law student; and

39  
40          ~~(iv)~~ (D)       As a condition to such appearance, either ~~first presents, or~~  
41 ~~have previously presented~~ presents; a copy of the consent form to  
42 the arbitrator, court, public agency, referee, magistrate,

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commissioner, or hearing officer, or files a copy of the consent form in the court case file; and

- (4) Appear on behalf of a government agency in the prosecution of criminal actions classified as infractions or other such minor criminal offenses with a maximum penalty or a fine equal to the maximum fine for infractions in California, including any public trial:

(i) (A) Subject to approval by the court, commissioner, referee, hearing officer, or magistrate presiding at such public trial; and

(ii) (B) Without the personal appearance of the supervising attorney or any deputy, assistant, or other staff attorney authorized and designated by the supervising attorney, but only if the supervising attorney or the designated attorney has approved in writing the performance of such acts by the certified law student and is immediately available to attend the proceeding.

**(e) Failure to comply with program**

A certified law student who fails to comply with the requirements of the State Bar Certified Law Student Program ~~of the State Bar~~ shall must have his or her certification withdrawn under rules adopted by the Board of Governors of the State Bar.

**(f) Fee and penalty**

The State Bar ~~shall have~~ has the authority to set and collect appropriate fees and penalties for this program.

**(g) Inherent power of Supreme Court**

Nothing in these rules ~~shall~~ may be construed as affecting the power of the Supreme Court to exercise its inherent jurisdiction over the practice of law in California.

**Rule ~~9.43.983.4~~ Out-of-state attorney arbitration counsel**

**(a) Definition**

(1) An “out-of-state attorney arbitration counsel” is an attorney who is:



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- 1       (1) Not a member of the State Bar of California but who is a member in  
2       good standing of and eligible to practice before the bar of any United  
3       States court or the highest court in any state, territory, or insular  
4       possession of the United States, and who has been retained to appear in  
5       the course of, or in connection with, an arbitration proceeding in this  
6       state; ~~and~~  
7  
8       (2) Has served a certificate in accordance with the requirements of Code of  
9       Civil Procedure section 1282.4 ~~upon~~ on the arbitrator, the arbitrators, or  
10      the arbitral forum, the State Bar of California, and all other parties and  
11      counsel in the arbitration whose addresses are known to the attorney;  
12      and  
13  
14      (3) Whose appearance has been approved by the arbitrator, the arbitrators,  
15      or the arbitral forum.

16  
17   **(b) ~~The State Bar Out-of-State Attorney Arbitration Counsel Program~~**

18  
19      The State Bar of California ~~shall~~ must establish and administer a program to  
20      implement the State Bar of California's responsibilities under Code of Civil  
21      Procedure section 1282.4. The State Bar of California's program ~~shall~~ may  
22      be operative only as long as the applicable provisions of Code of Civil  
23      Procedure section 1282.4 remain in effect.  
24

25   **(c) Eligibility to appear as an out-of-state attorney arbitration counsel**

26  
27      To be eligible to appear as an out-of-state attorney arbitration counsel, an  
28      attorney must comply with all of the applicable provisions of Code of Civil  
29      Procedure section 1282.4 and the requirements of this rule and the related  
30      rules and regulations adopted by the State Bar of California ~~pursuant to this~~  
31      rule.  
32

33   **(d) Discipline**

34  
35      An ~~attorney~~ out-of-state attorney arbitration counsel who files a certificate  
36      containing false information or who otherwise fails to comply with the  
37      standards of professional conduct required of members of the State Bar ~~or of~~  
38      California ~~shall be~~ is subject to the disciplinary jurisdiction of the State Bar  
39      with respect to any of his or her acts occurring in the course of the  
40      arbitration.  
41

42   **(e) Disqualification**

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Failure to timely file and serve a certificate or, absent special circumstances, appearances in multiple separate arbitration matters ~~shall be~~ are grounds for disqualification from serving in the arbitration in which the certificate was filed.

**(f) Fee**

Out-of-state attorney arbitration counsel ~~shall~~ must pay a reasonable fee not exceeding \$50 to the State Bar of California with the copy of the certificate that is served ~~upon~~ on the State Bar.

**(g) Inherent power of Supreme Court**

Nothing in these rules ~~shall~~ may be construed as affecting the power of the Supreme Court to exercise its inherent jurisdiction over the practice of law in California.

**Rule 9.44.988. Registered foreign legal consultant**

**(a) Definition**

A “registered foreign legal consultant” is a person who:

- (1) Is admitted to practice and is in good standing as an attorney or counselor-at-law or the equivalent in a foreign country; and
- (2) Has a currently effective certificate of registration as a registered foreign legal consultant from the State Bar.

**(b) State Bar Registered Foreign Legal Consultant Program**

The State Bar ~~shall~~ must establish and administer a program for registering foreign attorneys or counselors-at-law or the equivalent under rules adopted by the Board of Governors of the State Bar.

**(c) Eligibility for certification**

To be eligible to become a registered foreign legal consultant, an applicant must:

- (1) Present satisfactory proof that the applicant has been admitted to practice and has been in good standing as an attorney or counselor-at-law or the equivalent in a foreign country for at least four of the six

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1 years immediately preceding the application, and, while so admitted,  
2 has actually practiced the law of that country;  
3

4 (2) Present satisfactory proof that the applicant possesses the good moral  
5 character requisite for a person to be licensed as a member of the State  
6 Bar of California;  
7

8 (3) Agree to comply with the provisions of the rules adopted by the Board  
9 of Governors of the State Bar relating to security for claims against a  
10 foreign legal consultant by his or her clients;  
11

12 (4) Agree to comply with the provisions of the rules adopted by the Board  
13 of Governors of the State Bar relating to maintaining an address of  
14 record for State Bar purposes;  
15

16 (5) Agree to notify the State Bar of any change in his or her status in any  
17 jurisdiction where he or she is admitted to practice or of any discipline  
18 with respect to such admission;  
19

20 (6) Agree to be subject to the jurisdiction of the courts of this state with  
21 respect to the laws of the State of California governing the conduct of  
22 attorneys, to the same extent as a member of the State Bar of  
23 California;  
24

25 (7) Agree to become familiar with and comply with the standards of  
26 professional conduct required of members of the State Bar of  
27 California;  
28

29 (8) Agree to be subject to the disciplinary jurisdiction of the State Bar of  
30 California;  
31

32 (9) Agree to be subject to the rights and obligations with respect to  
33 attorney client privilege, work-product privilege, and other professional  
34 privileges, to the same extent as attorneys admitted to practice law in  
35 California; and  
36

37 (10) Agree to comply with the laws of the State of California, the rules and  
38 regulations of the State Bar of California, and these rules.  
39

40 **(d) Authority to practice law**  
41

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Subject to all applicable rules, regulations, and statutes, a registered foreign legal consultant may render legal services in California, except that he or she may not:

- (1) Appear for a person other than himself or herself as attorney in any court, or before any magistrate or other judicial officer, in this state or prepare pleadings or any other papers or issue subpoenas in any action or proceeding brought in any court or before any judicial officer;
- (2) Prepare any deed, mortgage, assignment, discharge, lease, or any other instrument affecting title to real estate located in the United States;
- (3) Prepare any will or trust instrument affecting the disposition on death of any property located in the United States and owned by a resident or any instrument relating to the administration of a decedent's estate in the United States;
- (4) Prepare any instrument in respect of the marital relations, rights, or duties of a resident of the United States, or the custody or care of the children of a resident; or
- (5) Otherwise render professional legal advice on the law of the State of California, any other state of the United States, the District of Columbia, the United States, or of any jurisdiction other than the jurisdiction(s) named in satisfying the requirements of ~~subdivision (c)~~ of this rule, whether rendered incident to preparation of legal instruments or otherwise.

**(e) Failure to comply with program**

A registered foreign legal consultant who fails to comply with the requirements of the State Bar Registered Foreign Legal Consultant Program ~~of the State Bar shall~~ will have her or his certification suspended or revoked under rules adopted by the Board of Governors of the State Bar.

**(f) Fee and penalty**

The State Bar ~~shall have~~ has the authority to set and collect appropriate fees and penalties for this program.

**(g) Inherent power of Supreme Court**

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Nothing in these rules ~~shall~~ may be construed as affecting the power of the Supreme Court to exercise its inherent jurisdiction over the practice of law in California.

**Rule ~~9.45.964~~. Registered legal services attorneys**

**(a) Definitions**

The following definitions apply in this rule:

- (1) “Qualifying legal services provider” means either of the following, provided that the qualifying legal services provider follows quality-control procedures approved by the State Bar of California:
  - (A) A nonprofit entity incorporated and operated exclusively in California that as its primary purpose and function provides legal services without charge in civil matters to indigent persons, especially underserved client groups, such as the elderly, persons with disabilities, juveniles, and non-English-speaking persons; or
  - (B) A program operated exclusively in California by a nonprofit law school approved by the American Bar Association or accredited by the State Bar of California that has operated for at least two years at a cost of at least \$20,000 per year as an identifiable law school unit with a primary purpose and function of providing legal services without charge to indigent persons.
- (2) “Active member in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency” means an attorney who:
  - (A) Is a member in good standing of the entity governing the practice of law in each jurisdiction in which the member is licensed to practice law;
  - (B) Remains an active member in good standing of the entity governing the practice of law in at least one United States state, jurisdiction, possession, territory, or dependency other than California while practicing law as a registered legal services attorney in California; and
  - (C) Has not been disbarred, has not resigned with charges pending, or is not suspended from practicing law in any other jurisdiction.

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**~~(a)~~ (b)      Scope of practice**

Subject to all applicable rules, regulations, and statutes, an attorney practicing law under this rule ~~is permitted to~~ may practice law in California only while working, with or without pay, at a qualifying legal services provider, as defined in this rule, and, at that institution and only on behalf of its clients, may engage, under supervision, in all forms of legal practice that are permissible for a member of the State Bar of California.

**~~(b)~~ (c)      Requirements**

For an attorney to practice law under this rule, the attorney must:

- (1) Be an active member in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency;
- (2) Register with the State Bar of California and file an Application for Determination of Moral Character;
- (3) Meet all of the requirements for admission to the State Bar of California, except that the attorney:
  - (A) Need not take the California bar examination or the Multistate Professional Responsibility Examination; and
  - (B) May practice law while awaiting the result of his or her Application for Determination of Moral Character;
- (4) Comply with the rules adopted by the Board of Governors relating to the State Bar Registered Legal Services Attorney Program;
- (5) Practice law exclusively for a single qualifying legal services provider, except that, if so qualified, an attorney may, while practicing under this rule, simultaneously practice law as registered in-house counsel;
- (6) Practice law under the supervision of an attorney who is employed by the qualifying legal services provider and who is a member in good standing of the State Bar of California;
- (7) Abide by all of the laws and rules that govern members of the State Bar of California, including the Minimum Continuing Legal Education (MCLE) requirements;

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- 1  
2 (8) Satisfy in his or her first year of practice under this rule all of the  
3 MCLE requirements, including ethics education, that members of the  
4 State Bar of California must complete every three years; and  
5  
6 (9) Not have taken and failed the California bar examination within five  
7 years immediately preceding application to register under this rule.  
8

9 ~~(e)~~ **(d)**     **Application**

10  
11 To qualify to practice law as a registered legal services attorney, the attorney  
12 must:  
13

- 14 (1) Register as an attorney applicant and file an Application for  
15 Determination of Moral Character with the Committee of Bar  
16 Examiners;  
17  
18 (2) Submit to the State Bar of California a declaration signed by the  
19 attorney agreeing that he or she will be subject to the disciplinary  
20 authority of the Supreme Court of California and the State Bar of  
21 California and attesting that he or she will not practice law in California  
22 other than under supervision at a qualifying legal services provider  
23 during the time he or she practices law as a registered legal services  
24 attorney in California, except that, if so qualified, the attorney may,  
25 while practicing under this rule, simultaneously practice law as  
26 registered in-house counsel; and  
27  
28 (3) Submit to the State Bar of California a declaration signed by a  
29 qualifying supervisor on behalf of the qualifying legal services provider  
30 in California attesting that the applicant will work, with or without pay,  
31 as an attorney for the organization; that the applicant will be supervised  
32 as specified in this rule; and that the qualifying legal services provider  
33 and the supervising attorney assume professional responsibility for any  
34 work performed by the applicant under this rule.  
35

36 ~~(d)~~ **(e)**     **Duration of practice**

37  
38 An attorney may practice for no more than a total of three years under this  
39 rule.  
40

41 ~~(e)~~ **(f)**     **Application and registration fees**

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The State Bar of California may set appropriate application fees and initial and annual registration fees; to be paid by registered legal services attorneys.

**~~(f)~~ (g) State Bar Registered Legal Services Attorney Program**

The State Bar may establish and administer a program for registering California legal services attorneys under rules adopted by the Board of Governors of the State Bar.

**~~(g)~~ (h) Supervision**

To meet the requirements of this rule, an attorney supervising a registered legal services attorney:

- (1) Must be an active member in good standing of the State Bar of California;
- (2) Must have actively practiced law in California and been a member in good standing of the State Bar of California for at least the two years immediately preceding the time of supervision;
- (3) Must have practiced law as a full-time occupation for at least four years;
- (4) Must not supervise more than two registered legal services attorneys concurrently;
- (5) Must assume professional responsibility for any work that the registered legal services attorney performs under the supervising attorney's supervision;
- (6) Must assist, counsel, and provide direct supervision of the registered legal services attorney in the activities authorized by this rule and review such activities with the supervised attorney, to the extent required for the protection of the client;
- (7) Must read, approve, and personally sign any pleadings, briefs, or other similar documents prepared by the registered legal services attorney before their filing, and must read and approve any documents prepared by the registered legal services attorney for execution by any person who is not a member of the State Bar of California before their submission for execution; and



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- 1           (8) May, in his or her absence, designate another attorney meeting the  
2 requirements of (1) through (7) to provide the supervision required  
3 under this rule.

4  
5 **~~(h)~~ (i) Inherent power of Supreme Court**

6  
7 Nothing in this rule ~~is to~~ may be construed as affecting the power of the  
8 Supreme Court of California to exercise its inherent jurisdiction over the  
9 practice of law in California.

10  
11 **~~(i)~~ (j) Effect of rule on multijurisdictional practice**

12  
13 Nothing in this rule limits the scope of activities permissible under existing  
14 law by attorneys who are not members of the State Bar of California.

15  
16 **Rule ~~9.46.965~~. Registered in-house counsel**

17  
18 **~~(j)~~(a) Definitions**

19  
20 The following definitions apply to terms used in this rule:

- 21  
22 (1) “Qualifying institution” means a corporation, a partnership, an  
23 association, or other legal entity, including its subsidiaries and  
24 organizational affiliates. Neither a governmental entity nor an entity  
25 that provides legal services to others can be a qualifying institution for  
26 purposes of this rule. A qualifying institution must:  
27  
28 (A) Employ at least 10 employees full time in California; or  
29  
30 (B) Employ in California an attorney who is an active member in  
31 good standing of the State Bar of California.  
32  
33 (2) “Active member in good standing of the bar of a United States state,  
34 jurisdiction, possession, territory, or dependency” means an attorney  
35 who meets all of the following criteria:  
36  
37 (A) Is a member in good standing of the entity governing the practice  
38 of law in each jurisdiction in which the member is licensed to  
39 practice law;  
40  
41 (B) Remains an active member in good standing of the entity  
42 governing the practice of law in at least one United States state,  
43 jurisdiction, possession, territory, or dependency, other than

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California, while practicing law as registered in-house counsel in California; and

- (C) Has not been disbarred, has not resigned with charges pending, or is not suspended from practicing law in any other jurisdiction.

**~~(a)~~ (b) Scope of practice**

Subject to all applicable rules, regulations, and statutes, an attorney practicing law under this rule is:

- (1) Is Permitted to provide legal services in California only to the qualifying institution that employs him or her;
- (2) Is Not permitted to make court appearances in California state courts or to engage in any other activities for which *pro hac vice* admission is required if they are performed in California by an attorney who is not a member of the State Bar of California; and
- (3) Is Not permitted to provide personal or individual representation to any customers, shareholders, owners, partners, officers, employees, servants, or agents of the qualifying institution.

**~~(b)~~ (c) Requirements**

For an attorney to practice law under this rule, the attorney must:

- (1) Be an active member in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency;
- (2) Register with the State Bar of California and file an Application for Determination of Moral Character;
- (3) Meet all of the requirements for admission to the State Bar of California, except that the attorney:
  - (A) Need not take the California bar examination or the Multistate Professional Responsibility Examination; and
  - (B) May practice law while awaiting the result of his or her Application for Determination of Moral Character;

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- (4) Comply with the rules adopted by the Board of Governors relating to the State Bar Registered In-House Counsel Program;
- (5) Practice law exclusively for a single qualifying institution, except that, while practicing under this rule, the attorney may, if so qualified, simultaneously practice law as a registered legal services attorney;
- (6) Abide by all of the laws and rules that govern members of the State Bar of California, including the Minimum Continuing Legal Education (MCLE) requirements;
- (7) Satisfy in his or her first year of practice under this rule all of the MCLE requirements, including ethics education, that members of the State Bar of California must complete every three years and, thereafter, satisfy the MCLE requirements applicable to all members of the State Bar; and
- (8) Reside in California.

**~~(e)~~ (d) Application**

To qualify to practice law as registered in-house counsel, an attorney must:

- (1) Register as an attorney applicant and file an Application for Determination of Moral Character with the Committee of Bar Examiners;
- (2) Submit to the State Bar of California a declaration signed by the attorney agreeing that he or she will be subject to the disciplinary authority of the Supreme Court of California and the State Bar of California and attesting that he or she will not practice law in California other than on behalf of the qualifying institution during the time he or she is registered in-house counsel in California, except that if so qualified, the attorney may, while practicing under this rule, simultaneously practice law as a registered legal services attorney; and
- (3) Submit to the State Bar of California a declaration signed by an officer, a director, or a general counsel of the applicant's employer, on behalf of the applicant's employer, attesting that the applicant is employed as an attorney for the employer, that the nature of the employment conforms to the requirements of this rule, that the employer will notify the State Bar of California within 30 days of the cessation of the applicant's employment in California, and that the person signing the

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1 declaration believes, to the best of his or her knowledge after  
2 reasonable inquiry, that the applicant qualifies for registration under  
3 this rule and is an individual of good moral character.

4  
5 **~~(d)~~ (e) Duration of practice**

6  
7 A registered in-house counsel must renew his or her registration annually.  
8 There is no limitation on the number of years in-house counsel may register  
9 under this rule. Registered in-house counsel may practice law under this rule  
10 only for as long as he or she remains employed by the same qualifying  
11 institution that provided the declaration in support of his or her application.  
12 If an attorney practicing law as registered in-house counsel leaves the  
13 employment of his or her employer or changes employers, he or she must  
14 notify the State Bar of California within 30 days. If an attorney wishes to  
15 practice law under this rule for a new employer, he or she must first register  
16 as in-house counsel for that employer.

17  
18 **~~(e)~~ (f) Eligibility**

19  
20 ~~It will not be grounds for denial of~~ An application to register under this rule  
21 may not be denied because:

- 22  
23 (1) ~~if~~ The attorney applicant has practiced law in California as in-house  
24 counsel before the effective date of this rule. Further, it will not be  
25 grounds for denial of an application to register under this rule  
26  
27 (2) ~~if~~ The attorney applicant is practicing law as in-house counsel at or  
28 after the effective date of this rule, provided that the attorney applies  
29 under this rule within six months of its effective date.

30  
31 **~~(f)~~ (g) Application and registration fees**

32  
33 The State Bar of California may set appropriate application fees and initial  
34 and annual registration fees, ~~as well as application fees,~~ to be paid by  
35 registered in-house counsel.

36  
37 **~~(g)~~ (h) State Bar Registered In-House Counsel Program**

38  
39 The State Bar ~~shall~~ must establish and administer a program for registering  
40 California in-house counsel under rules adopted by the Board of Governors.

41  
42 **~~(h)~~ (i) Inherent power of Supreme Court**

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Nothing in this rule ~~is to~~ may be construed as affecting the power of the Supreme Court of California to exercise its inherent jurisdiction over the practice of law in California.

**~~(f)~~ (i) Effect of rule on multijurisdictional practice**

Nothing in this rule limits the scope of activities permissible under existing law by attorneys who are not members of the State Bar of California.

**Rule ~~9.47.966~~ Attorneys practicing law temporarily in California as part of litigation**

**~~(g)~~(a) Definitions**

The following definitions apply to the terms used in this rule:

- (1) “A formal legal proceeding” means litigation, arbitration, mediation, or a legal action before an administrative decision-maker.
- (2) “Authorized to appear” means the attorney is permitted to appear in the proceeding by the rules of the jurisdiction in which the formal legal proceeding is taking place or will be taking place.
- (3) “Active member in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency” means an attorney who meets all of the following criteria:
  - (A) Is a member in good standing of the entity governing the practice of law in each jurisdiction in which the member is licensed to practice law;
  - (B) Remains an active member in good standing of the entity governing the practice of law in at least one United States state, jurisdiction, possession, territory, or dependency while practicing law under this rule; and
  - (C) Has not been disbarred, has not resigned with charges pending, or is not suspended from practicing law in any other jurisdiction.

**~~(a)~~ (b) Requirements**

For an attorney to practice law under this rule, the attorney must:

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- (1) Maintain an office in a United States jurisdiction other than California and in which the attorney is licensed to practice law;
- (2) Already be retained by a client in the matter for which the attorney is providing legal services in California, except that the attorney may provide legal advice to a potential client, at the potential client's request, to assist the client in deciding whether to retain the attorney;
- (3) Indicate on any Web site or other advertisement that is accessible in California either that the attorney is not a member of the State Bar of California or that the attorney is admitted to practice law only in the states listed; and
- (4) Be an active member in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency.

**~~(b)~~ (c) Permissible activities**

An attorney meeting the requirements of this rule, who complies with all applicable rules, regulations, and statutes, is not engaging in the unauthorized practice of law in California if the attorney's services are part of:

- (1) A formal legal proceeding that is pending in another jurisdiction and in which the attorney is authorized to appear;
- (2) A formal legal proceeding that is anticipated but is not yet pending in California and in which the attorney reasonably expects to be authorized to appear;
- (3) A formal legal proceeding that is anticipated but is not yet pending in another jurisdiction and in which the attorney reasonably expects to be authorized to appear; or
- (4) A formal legal proceeding that is anticipated or pending and in which the attorney's supervisor is authorized to appear or reasonably expects to be authorized to appear.

The attorney whose anticipated authorization to appear in a formal legal proceeding serves as the basis for practice under this rule must seek that authorization promptly after it becomes possible to do so. Failure to seek that authorization promptly, or denial of that authorization, ends eligibility to practice under this rule.

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**~~(e)~~ (d)      Restrictions**

To qualify to practice law in California under this rule, an attorney must not:

- (1) Hold out to the public or otherwise represent that he or she is admitted to practice law in California;
- (2) Establish or maintain a resident office or other systematic or continuous presence in California for the practice of law;
- (3) Be a resident of California;
- (4) Be regularly employed in California;
- (5) Regularly engage in substantial business or professional activities in California; or
- (6) Have been disbarred, have resigned with charges pending, or be suspended from practicing law in any other jurisdiction.

**~~(d)~~ (e)      Conditions**

By practicing law in California under this rule, an attorney agrees that he or she is providing legal services in California subject to:

- (1) The jurisdiction of the State Bar of California;
- (2) The jurisdiction of the courts of this state to the same extent as is a member of the State Bar of California; and
- (3) The laws of the State of California relating to the practice of law, the State Bar Rules of Professional Conduct, the rules and regulations of the State Bar of California, and these rules.

**~~(e)~~ (f)      Inherent power of Supreme Court**

Nothing in this rule ~~is to~~ may be construed as affecting the power of the Supreme Court of California to exercise its inherent jurisdiction over the practice of law in California.

**~~(f)~~ (g)      Effect of rule on multijurisdictional practice**

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Nothing in this rule limits the scope of activities permissible under existing law by attorneys who are not members of the State Bar of California.

**Rule ~~9.48.967.~~ ~~Non-litigating~~ Nonlitigating attorneys temporarily in California to provide legal services**

**~~(h)~~(a) Definitions**

The following definitions apply to terms used in this rule:

- (1) “A transaction or other nonlitigation matter” includes any legal matter other than litigation, arbitration, mediation, or a legal action before an administrative decision-maker.
- (2) “Active member in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency” means an attorney who meets all of the following criteria:
  - (A) Is a member in good standing of the entity governing the practice of law in each jurisdiction in which the member is licensed to practice law;
  - (B) Remains an active member in good standing of the entity governing the practice of law in at least one United States state, jurisdiction, possession, territory, or dependency other than California while practicing law under this rule; and
  - (C) Has not been disbarred, has not resigned with charges pending, or is not suspended from practicing law in any other jurisdiction.

**~~(a)~~ (b) Requirements**

For an attorney to practice law under this rule, the attorney must:

- (1) Maintain an office in a United States jurisdiction other than California and in which the attorney is licensed to practice law;
- (2) Already be retained by a client in the matter for which the attorney is providing legal services in California, except that the attorney may provide legal advice to a potential client, at the potential client’s request, to assist the client in deciding whether to retain the attorney;



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(3) Indicate on any Web site or other advertisement that is accessible in California either that the attorney is not a member of the State Bar of California or that the attorney is admitted to practice law only in the states listed; and

(4) Be an active member in good standing of the bar of a United States state, jurisdiction, possession, territory, or dependency.

**~~(b)~~ (c) Permissible activities**

An attorney who meets the requirements of this rule and who complies with all applicable rules, regulations, and statutes is not engaging in the unauthorized practice of law in California if the attorney:

(1) Provides legal assistance or legal advice in California to a client concerning a transaction or other nonlitigation matter, a material aspect of which is taking place in a jurisdiction other than California and in which the attorney is licensed to provide legal services;

(2) Provides legal assistance or legal advice in California on an issue of federal law or of the law of a jurisdiction other than California to attorneys licensed to practice law in California; or

(3) Is an employee of a client and provides legal assistance or legal advice in California to the client or to the client's subsidiaries or organizational affiliates.

**~~(e)~~ (d) Restrictions**

To qualify to practice law in California ~~pursuant to~~ under this rule, an attorney must not:

(1) Hold out to the public or otherwise represent that he or she is admitted to practice law in California;

(2) Establish or maintain a resident office or other systematic or continuous presence in California for the practice of law;

(3) Be a resident of California;

(4) Be regularly employed in California;

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(5) Regularly engage in substantial business or professional activities in California; or

(6) Have been disbarred, have resigned with charges pending, or be suspended from practicing law in any other jurisdiction.

**~~(d)~~ (e) Conditions**

By practicing law in California ~~pursuant to~~ under this rule, an attorney agrees that he or she is providing legal services in California subject to:

(1) The jurisdiction of the State Bar of California;

(2) The jurisdiction of the courts of this state to the same extent as is a member of the State Bar of California; and

(3) The laws of the State of California relating to the practice of law, the State Bar Rules of Professional Conduct, the rules and regulations of the State Bar of California, and these rules.

**~~(e)~~ (f) Scope of practice**

An attorney is permitted by this rule to provide legal assistance or legal services concerning only a transaction or other nonlitigation matter.

**~~(f)~~ (g) Inherent power of Supreme Court**

Nothing in this rule ~~is to~~ may be construed as affecting the power of the Supreme Court of California to exercise its inherent jurisdiction over the practice of law in California.

**~~(g)~~ (h) Effect of rule on multijurisdictional practice**

Nothing in this rule limits the scope of activities permissible under existing law by attorneys who are not members of the State Bar of California.

**Division 5. Censure, Removal, Retirement, or Private Admonishment of Judges**

**Rule 9.60.935. Review of determinations by the Commission on Judicial Performance**

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**(a) Time for petition for review to Supreme Court**

A petition to the Supreme Court by a judge or former judge to review a determination by the Commission on Judicial Performance to retire, remove, censure, admonish, or disqualify the judge or former judge must be served and filed within 60 days after:

- (1) The Commission, pursuant to ~~under~~ its rules, notifies the judge or former judge that its determination has been filed or entered in its records; or
- (2) The determination becomes final as to the Commission pursuant to ~~under~~ its rules, whichever event is later.

**(b) Time for answer to petition for review and reply**

Within 45 days after service of the petition, the Commission may serve and file an answer. Within 20 days after service of the answer, the judge or former judge may serve and file a reply. Each petition, answer, or reply submitted for filing ~~shall~~ must be accompanied by proof of service, including service ~~upon~~ on the Commission of three copies of any petition or reply filed by a judge or former judge. Extensions of time to file the petition, answer, or reply are disfavored and will be granted only upon a specific and affirmative showing of good cause. Good cause does not include ordinary press of business.

**~~(b)~~ (c) Contents and form**

The petition, answer, and reply ~~shall~~ must address both the appropriateness of review and the merits of the Commission's determination, and they ~~shall~~ will serve as briefs on the merits in the event review is granted. Except as provided in these rules, the form of the petition, answer, and reply ~~shall~~ must, insofar as practicable, conform to rule ~~28(e)~~ 8.504 except that the lengths of the petition, answer, and reply ~~shall~~ must conform to the limits ~~set forth~~ specified in rule ~~15(e)~~ 8.204(c). Each copy of the petition ~~shall~~ must contain:

- (1) A copy of the Commission's determination;
- (2) A copy of the notice of filing or entry of the determination in the records of the Commission;
- (3) A copy of any findings of fact and conclusions of law; and

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- (4) ~~A cover which shall~~ that bears the conspicuous notation “PETITION FOR REVIEW OF DETERMINATION BY COMMISSION ON JUDICIAL PERFORMANCE (RULE ~~935~~ 9.60)” or words of like effect.

~~(e)~~ **(d)      Transmission of the record**

Promptly upon the service and filing of the petition, the Commission ~~shall~~ must transmit to the Clerk of the Supreme Court the original record, including a transcript of the testimony, briefs, and all original papers and exhibits on file in the proceeding.

~~(d)~~ **(e)      Applicable rules on review**

In the event review is granted, the rules adopted by the Judicial Council governing appeals from the superior court in civil cases, other than rule ~~26~~ 8.272 relating to costs, ~~shall~~ apply to proceedings in the Supreme Court for review of a determination of the Commission except where express provision is made to the contrary or where such application would otherwise be clearly impracticable or inappropriate.

**Rule ~~9.61,936~~. Proceedings involving public or private admonishment, censure, removal, or retirement of a judge of the Supreme Court**

**(a)      Selection of appellate tribunal**

Immediately ~~upon~~ on the filing of a petition to review a determination by the Commission on Judicial Performance to retire, remove, censure, admonish, or disqualify a ~~judge~~ justice of the Supreme Court, the Clerk of the Supreme Court ~~shall~~ must select, by lot, seven ~~Court of Appeal judges~~ justices who ~~shall~~ must elect one of their number presiding justice and perform the duties of the tribunal created under article VI, section 18(f) of the Constitution. This selection ~~shall~~ must be made upon notice to the Commission, the ~~judge~~ justice, and the counsel of record in a proceeding open to the public. No court of appeal ~~judge~~ justice who has served as a master or a member of the Commission in the particular proceeding or is otherwise disqualified may serve on the tribunal.

**(b)      Clerk of Supreme Court as clerk of tribunal**

The Clerk of the Supreme Court ~~shall~~ serves as the clerk of the tribunal.

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**~~Rule 963. Interim Special Regulatory Fee for Attorney Discipline.~~**

(a) ~~This rule is adopted by the Supreme Court solely as an emergency interim measure to protect the public, the courts, and the legal profession from the harm caused by the absence of an adequately functioning attorney disciplinary system. The Supreme Court contemplates that the rule may be modified or repealed once legislation designed to fund an adequate attorney disciplinary system is enacted and becomes effective.~~

(b) ~~Each active member shall pay a mandatory regulatory fee of one hundred seventy three dollars (\$173) to the Special Master's Attorney Discipline Fund, to be established by a special master appointed pursuant to subdivision (c). This \$173 assessment is in addition to the mandatory fees currently authorized by statute.~~

~~Payment of this fee is due by February 1, 1999. Late payment or nonpayment of the fee shall subject a member to the same penalties and/or sanctions applicable to mandatory fees authorized by statute.~~

(c) ~~All money collected pursuant to this rule shall be deposited into the Special Master's Attorney Discipline Fund, and shall be used exclusively for the purpose of maintaining and operating an attorney disciplinary system, including payment of the reasonable fees, costs and expenses of a special master as ordered by the Supreme Court.~~

~~A special master appointed by the Supreme Court shall disburse and allocate funds from the Special Master's Attorney Discipline Fund for the limited purpose of supporting an attorney discipline system. The special master shall exercise authority pursuant to the charge of the Supreme Court and shall submit quarterly reports and recommendations to the Supreme Court regarding the use of these funds.~~

~~Should any funds collected pursuant to this rule not be used for the limited purpose set forth in the rule, the Supreme Court may order the refund of an appropriate amount to members or take any other action that it deems appropriate.~~